IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

JONATHAN MORGAN, et al.,	§
Plaintiffs,	§
v.	§\$ 4:04cv447§ (Judge Schell/Judge Bush)
THE PLANO INDEPENDENT SCHOOL DISTRICT, LYNN SWANSON, individually	§ §
and as principal of Thomas Elementary	§ §
School, LISA LONG, individually and as principal of Wells Elementary School,	§ §
SUZIE SNYDER, individually, JACLYN T. BOMCHILL (a/k/a JACKIE BOMCHILL),	§ §
individually and as principal of Rasor Elementary School, JOHN BEASLEY,	§ §
individually, CAROLE GREISDORF, individually and as the Assistant	§ §
Superintendent of the Plano Independent School District, and DOUG OTTO,	§
individually and as the Superintendent of Plano Independent School District,	§ §
Defendants.	\$ § §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 27, 2009, the report of the Magistrate Judge was entered, containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss based on Qualified Immunity (Dkt. 173) should be DENIED as to both Defendants Swanson and Bomchill.

The court, having made a *de novo* review of the objections raised by both the moving-Defendants (Dkt. 231) the non-moving Defendants (Dkt. 232), as well as Plaintiffs' responses (Dkts. 233 & 234) is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court, and Defendants' Motion to Dismiss based on Qualified Immunity (Dkt. 173) is DENIED.

IT IS SO ORDERED.

SIGNED this 30th day of March, 2009.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE